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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLEANAIRNOW, et al.,

Plaintiffs,

v.

LOUIS DEJOY, et al.,

Defendants.

Case No. 3:22-cv-02576-LB

**ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

Judge: Hon. Laurel Beeler

Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs State of California, State of New York, Commonwealth of Pennsylvania, State of Connecticut, State of Delaware, State of Illinois, State of Maine, State of Maryland, People of the State of Michigan, State of New Jersey, State of New Mexico, State of North Carolina, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, District of Columbia, the City of New York, and the Bay Area Air Quality Management District (collectively, “Government Plaintiffs”), respectfully move the Court to consider whether the above-entitled action is related to another action that was recently filed by Government Plaintiffs in this District: *State of California, et al. v. U.S. Postal Service, et al.*, Case No. 3:22-cv-02583-KAW (N.D. Cal., complaint filed April 28, 2022).

Under Civil Local Rule 3-12(a), two cases are related when: (1) they “concern substantially the same parties, property, transaction or event,” and (2) it “appears likely that there will be an

1 unduly burdensome duplication of labor and expense or conflicting results if the cases are
2 conducted before different Judges.” Both conditions are met here.

3 First, the actions concern substantially the same “event” because both cases challenge a
4 January 2022 Final Environmental Impact Statement (“Final EIS”) and Record of Decision issued
5 by the United States Postal Service regarding its Next Generation Delivery Vehicle Acquisitions
6 program pursuant to the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*
7 Also, both challenges involve the same federal defendants: (1) the United States Postal Service,
8 and (2) Louis DeJoy, United States Postmaster General. *See Fin. Fusion, Inc. v. Ablaise Ltd.*, No.
9 C-06-2451 PVT, 2006 WL 3734292, at *3 (N.D. Cal. Dec. 18, 2006) (holding cases were related
10 where they involved the same property and defendants).

11 Second, it is likely that there would be an unduly burdensome duplication of labor, and/or
12 conflicting results, if the cases were conducted before different judges because both cases deal
13 with the same facts and will involve the same administrative record for the Final EIS and Record
14 of Decision. Both cases involve similar legal questions regarding whether the United States
15 Postal Service violated NEPA by (1) making an irreversible commitment of resources in
16 contracting for new delivery vehicles prior to commencing the NEPA process; (2) failing to
17 consider reasonable alternatives to its proposed action, and (3) failing to take a “hard look” at the
18 environmental impacts of the program. *Compare* ECF No. 1, ¶¶ 128-162, *with State of California*
19 *v. U.S. Postal Service*, Case No. 3:22-cv-02583-KAW, ECF No. 1, ¶¶ 88-118; *see also Fin.*
20 *Fusion*, 2006 WL 3734292, at *3–4. Relatedly, Government Plaintiffs also plan to argue that the
21 Postal Service failed to consider the inconsistency of its proposed action with state and local laws
22 to reduce greenhouse gas emissions and electrify the transportation sector in order to mitigate the
23 devastating consequences of global climate change. *See State of California v. U.S. Postal*
24 *Service*, Case No. 3:22-cv-02583-KAW, ECF No. 1, ¶¶ 119-124.

25 For the foregoing reasons, and pursuant to Civil Local Rule 3-12(b), Government Plaintiffs
26 respectfully request that the Court relate this case and Case No. 3:22-cv-02583-KAW.

Dated: May 3, 2022

Respectfully submitted,

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**Application for admission pro hac vice*
forthcoming